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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/232,397	01/15/1999	ALI SALEH	M-7165-US	1881

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EXAMINER

NGUYEN, HANH N

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 01/16/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/232,397

Applicant(s)

SALEH ET AL.

Examiner

Hanh Nguyen

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Preliminary amendment filed on 11/18/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 33 and 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-13, 33 and 35 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-4, 8-13, 33 and 35 are rejected under 35 USC 102(e) as being anticipated by **Cowan et al.** (US Pat. No. 6,457,050 B1).

In claims 1, 33 and 35, **Cowan et al.** discloses, in Fig. 2, a plurality of digital cross connect (DXC)/ switching nodes 12 coupled by trunk lines 30 (a plurality of nodes coupled by optical links). When a trunk line between switching nodes 12 breaks, route generator 68 (Fig.6) performs dynamic restoration by using dynamic route generator 25 (Fig.4) to determine an optimal restoral route for each impacted trunk (dynamically identifying physical path connecting intermediate nodes). When the restoral route is determined, route generator 68 establishes the restoral route by connecting specific switching nodes 12 (establishing virtual path by

dynamically configuring a set of connections between nodes). See col.11, line 50 to col.12, line 20.

In claim 3, the limitation of this claim has been addressed in claim 1.

In claim 9, the limitation of this claim has been addressed in claim 1.

In claim 10, the limitation of this claim has been addressed in claim 1.

In claims 2, 11, 12 and 13, **Cowan et al.** discloses, in Fig.4, RTNDD 40 that includes status of DXC/ switching nodes 12. Status information in each switching node 12 identifies current cross-connected ports the switching nodes 12 are connected as well as spare ports that are available (each node maintains a database which allows the discovering of physical path to proceed more quickly). See col.8, lines 5-15. In Fig.6 discloses a break isolator 66 that applies certain criteria to determine if a trunk break/outage has occurred by receiving a number of alarms in a time interval (Testing to determine if a node/link have failed). See col.11, lines 42-45. In addition, network control 36 (Fig.3) perform evaluation tests and analysis on links 30 and switching nodes 12. See col.7, lines 50-55.

In claims 4 and 8, **Cowan et al.** disclose network control 36 (Fig.3) issues connect and disconnect commands to links 30. (terminating virtual path by automatically de-allocating intermediated links). See col.7, lines 42-55.

Claims 5 and 7 are rejected under 35 USC 103(a) as being unpatentable over **Cowan et al.** (US Pat. No. 6,457,050 B1) in view of well-known skill in the art.

In claims 5 and 7, **Cowan et al.** does not disclose the intermediate links are available for re-use upon de-allocation. It is well-known skill in the art that once a termination message is sent on the intermediate links connecting end-point nodes to terminate primary path, one or more

of the intermediate links are still available to couple end-point nodes. Therefore, it would have been obvious connect the rest of intermediate links between end-point nodes in **Cowan et al.** in order to obtain shortest paths between end-point nodes.

Allowable Subject Matter

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

In claim 6, the prior art fails to disclose termination message is sent along the physical path and each one of intermediate links is deallocated by a respective one of said nodes as said termination message is sent to each of said nodes.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Commefford et al.(US Pat. No. 6,134,671) discloses System and Method for Dynamically Generating Restoration Routes Within a Communications Network.

Commerford (US Pat. No. 5,920,257) discloses System and Method for Isolating an Outage Within a Communications Network.

Croslin (US Pat. No. 6,075,766) discloses Method and Apparatus for Identifying Restoral Routes in a Network.

Art Unit: 2662

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 703 306-5445. The examiner can normally be reached on Monday-Friday 8:30 AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703 306-4744. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-3988 for regular communications and 703 308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.

Fax number : 703 872-9314

Hanh Nguyen



January 9, 2003

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